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HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 10th October 1967.

G.S.R. 445.—The following draft of the Mysore Excise (Bottling of Liquor) Rules, 1967, which the Government of Mysore proposes to make in exercise of powers conferred by section 71 of the Mysore Excise Act, 1965 (Mysore Act No. 21 of 1966), read with sub-section (e) of section 13 of the said Act and in supersession of all rules, orders and notifications on the subject made or issued under any enactment repealed by section 72 of the said Act, is hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 25th October 1967.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the aforesaid date, will be considered by the Government of Mysore. Objections or suggestions may be addressed to the Secretary to Government, Home Department, Vidhana Soudha, Bangalore-1.

DRAFT RULES

1. **Title, extent and commencement.**—(1) These Rules may be called the Mysore Excise (Bottling of Liquor) Rules, 1967.

(2) They shall extend to such of the areas of the State where the Mysore Excise Act, 1965 is in force.

(3) They shall come into force at once.

2. **Definitions.**—In these Rules, unless the context otherwise requires :—

(*a*) "Act" means the Mysore Excise Act, 1965;

(*b*) "Form" means a form appended to these rules;

(*c*) "Licence" means a licence granted under these rules;

(*d*) "Warehouse" means a warehouse established or licensed under section 16(*c*) of the Act or any premises specially licensed for this purpose;

(*e*) "Warehouse Officer" means the Excise Officer placed in charge of the warehouse.

3. **Restrictions on the grant of licences to bottle liquor.**—(1) Liquor shall not be bottled except at a warehouse.

(2) No person shall be granted a licence to bottle liquor unless he holds a licence for the distillation or manufacture of liquor or a trade and import licence or a licence for compounding, blending or reducing of liquors or any other licence which requires possession of bottling licence.

4. **Application for licence.**—A person holding any of the licences specified in rule 3 and desirous of obtaining a licence to bottle liquor may make an application specifying the warehouse in which the operation ot bottling of liquors is to be carried on together with the detailed plan thereof.

5. **Grant of licence**.—If after making such enquiries as he may deem necessary, the Excise Commissioner is satisfied that the applicant is a fit person to hold a licence and that the warehouse in which he proposes to carry on bottling operation is suitable, he shall, subject to the conditions hereinafter provided grant a licence on payment of a fee of rupees one thousand per annum.

6. **Duration of licence**.—The licence shall be granted in Form MEB 1 and shall take effect from the day specified therein and shall remain in force until 30th June next year.

7. **Arrangement of Warehouse**.—(1) Separate rooms or compartments shall be provided for (*a*) storage of liquor in bulk (*b*) bottling operation and (*c*) storage of liquor in sealed bottles.

(2) Every room or compartment in the warehouse shall be well ventilated and all the windows shall be well secured. Each room shall bear a sign board stating the purpose of the room or compartment. The warehouse and every room shall be locked by the Warehouse Officer and by the licensee if he so desires.

(3) The licensee shall not make any alterations in the permanent structure without the previous approval of the Deputy Commissioner.

(4) The licensee shall make necessary arrangements and give all the facilities to the Warehouse Officer and his staff for the performance of official work.

(5) No smoking or any naked light or fire shall be allowed within the premises of the warehouse.

8. **Conditions to be observed by the licensee**.—(1) The licensee shall give notice of his intention to the Warehouse Officer for bottling liquor at least six hours before.

(2) He shall not carry on the bottling operation except in the presence of the Warehouse Officer.

(3) He shall carry on the bottling operation during the hours prescribed in the licence.

9. Cost of the Supervisory Staff .—The licensee shall pay in advance to the Government at the beginning of each quarter the cost including the pension contribution, house rent allowance, conveyance allowance and other charges of the supervisory staff as may be fixed by the Excise Commissioner.

10. Fee for Examination of samples.—The licensee shall pay such fees, as fixed by the Excise Commissioner for the examination of the sample of liquor sent for Chemical Examination.

11. Notice for discontinuing bottling operation :—The licensee shall not discontinue the bottling operation unless he gives 90 days notice to the Excise Commissioner of his intention to do so.

12. What Spirits may be bottled:—(1) No spirit of a strength lower than 35° U. P. in case of Gin and 25° U. P. in case of potable spirits or lower than such strength as may be fixed, by the Excise Commissioner from time to time, for such spirits shall be bottled :

Provided that duty paid on imported spirit which is of the strength lower than 25° U. P and any liquors which are obscured in strength may be bottled.

(2) No spirit shall be bottled which is not allowed to settle in a woodenvat or receptacle at least for 36 hours after it has been finally compounded.

(3) No Indian made spirit, the obscured strength of which is lower than 35° U. P., shall be bottled.

13. Accounts and storage:—(1) No liquor shall be bottled unless the quantity and strength are taken down by the warehouse officer.

(2) The licensee shall maintain true accounts of the quantity of liquor used in bottling operations which will remain in the custody of warehouse officer who will check them at the close of the each day's work.

(3) The licensee shall store the liquor in cask or containers serially marked with their capacities.

14. Procedure for starting bottling operation.—(1) The licensee shall make the application to the Warehouse Officer of his intention to bottle the liquor giving the description of the liquor to be bottled.

(2) (*a*) The Warehouse Officer shall note down and compare the mark on the cask or containers as stated in the application.

(*b*) He shall note down the quantity and strength of the liquor to be bottled.

(*c*) He shall make note of the quantity and strength on the application.

(3) The entire quantity of liquor shall be removed from the store room to the bottling room.

(4) Bottling will be carried by the licensee in the presence of the Warehouse Officer.

15. Cleaning of bottles and bottling of liquor.—(1) The bottles shall be cleaned and rinsed by freshly prepared solution of permanganate of potash in the proportion of 0.065 gram to 4.546 litres of water, or any other disinfectants of such strength as the Commissioner may prescribe.

(2) Each bottle shall contain either 750 or 650 or 375 or 250 or 200 or 100 milli litres.

(3) After the bottles are filled with liquor they shall immediately be corked and sealed and labelled as approved by the Excise Commissioner in the following manner :—

(*a*) Brand and description of the liquor with strength ;

(*b*) Place of manufacture ;

(*c*) The fact that the compounding or blending if any was done in India ;

(*d*) Place of bottling ;

(*e*) Full name of the licensee ;

(*f*) Full name of the manufacturer.

(4) The labels or capsules shall bear the words "Bottled in the Excise Bonded Warehouse" with no misdescription of any operation.

(5) The Warehouse Officer shall see that capsuling and labeling of bottles are done according to the provisions of Indian Merchandise Markets Act, 1889.

(6) The whole of the contents of a cask or a container shall be bottled in one operation, at the end of which, the Warehouse Officer shall note down the quantity and strength of the liquor bottled and adjust the accounts by writing off ullage and wastage.

(7) The bottles shall be immediately packed after filling. Each package shall contain six or twelve or multiple thereof. This shall be carried on in the presence of the Warehouse Officer and stored in the storeroom.

(8) Rebottling shall not be carried out without the previous permission of the Excise Commissioner.

(9) The Warehouse Officer shall record all the details in the register.

16. Cleaning of the premises.—The licensee shall get the entire premises cleaned to the satisfaction of the Warehouse Officer.

17. Samples for analysis.- The licensee shall allow to take the sample of liquor up to 1/5 of a litre, for Chemical analysis and the Warehouse Officer shall give a written acknowledgment of the same.

18. Rent of Warehouse.—The licensee shall pay a rent fixed by the Excise Commissioner for such portion of the warehouse, which is made use of for bottling.

19. Repeal and Savings.—All rules corresponding to the foregoing rules framed under any enactment repealed by Section 72 of the Act are hereby repealed :

Provided that the repeal shall not affect—

(a) The previous operation of the rules so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any rule so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any rule so repealed, or

(d) any investigation or legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted. continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such rules had not been repealed :

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued from, certificate obtained, permit or licence granted or registration affected under any such rules) shall be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the Act or these rules as the case may be.

Form No. M. E. B. I

(*See* rule 6)

LICENCE FOR THE BOTTLING OF LIQUORS

Licence No. and Date. District

Licence is hereby granted to.....(hereinafter called as "The Licensee") on payment of a licence fee of Rs. 1,000 per annum authorising him to bottle liquors under and subject to the provisions of Mysore Excise Act, 1965 and the rules, regulations and orders made thereunder at the warehouse situated at.....(hereinafter called as "The Licensed Premises") during the period from..... .....to.....subject to the following conditions, namely :—

CONDITIONS.

1. The licensee shall not bottle liquor except at the licensed premises and under the supervision of the Warehouse Officer.

2. The licensee shall not dilute or strengthen the liquor permitted to be bottled under the licence unless he holds a licence.

3. The licensee shall not on any day carry on operation of bottling after 5-30 P.M. (Indian Standard Time) or before 9 A.M., nor shall be carry on any day the said operations between 1 P.M. and 2 P.M. nor on Sunday and Public Holidays sanctioned by Government.

4. The licensee shall provide suitable office accommodation with sanitary arrangements free of cost for the Warehouse Officer and his staff within the premises and shall also supply such furniture and other articles free of cost for the use of the Warehouse Officer and his staff as the Deputy Commissioner may consider necessary.

5. No smoking or naked lights or fire shall be allowed within the premises of the Warehouse.

6. The licensee shall always give 6 hours notice of his intention of bottling liquor to the Warehouse Officer.

7. The licensee shall not carry on the bottling operations except in the presence of the Warehouse Officer or such other Officer as the Deputy Commissioner may depute in that behalf.

8. The licensee shall display the licence in a conspicuous place.

9. The licensee shall not discontinue the bottling operations unless he has given three clear calendar months' notice of his intention to do so.

10. At the end of each working day, the licenced room or compartment(s) shall be locked by the licensee and Warehouse Officer with separate locks.

11. The licensee shall maintain accounts of all liquors used in the bottling operations and the number of bottle bottled everyday.

12. Except with the written permission of the Excise Commissioner the licensee shall not sell, transfer or sublet the right conferred upon him by this licence nor shall he, in connection with the exercise of the said right, enter into any agreement or arrangement which is in the nature of a sub-lease. If any question arise whether any agreement or arrangement is in the nature of a sub-lease, the decision of the Excise Commissioner on such question shall be final and binding on the licensee.

13. No person shall be recognised as a partner of the licensee for the purpose of this licence unless the partnership has been declared by the Deputy Commissioner

before the licenc is granted and the name(s) of the partner(s) have been entered jointly in the licence or if the partnership is entered into after the granting of the licence unless the Deputy Commissioner agrees on application made to him to alter the licence and to add the name or names of the partner or partners in the licence.

14. The licensee shall maintain in his Warehouse such measures as may be prescribed by the Deputy Commissioner in this behalf.

15. The licensee, his successors or assignees shall have no claim whatsoever to the continuance or renewal of licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Deputy Commissioner whether to permit or not to permit in case of sale or transfer, the assignee of the licensee to have the benefit of the licence for the unexpired portion of the term for which it is granted.

16. The licence may be suspended or cancelled in accordance with the provisions of Section 29 of the Mysore Excise Act, 1965.

17. The licensee shall pay the Government every quarter in advance the sum of Rs..... being the cost of the supervisory staff as detailed below.

Granted this.....day of.....19.....

Seal of the

Excise Commissioner. Excise Commissioner.

[H. D. 74 EFL 67].

By Order and in the name of the Governor of Mysore,

M. G. KRISHNA,
Under Secretary to Government,
Home Department.

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